

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
NW/5 Avenue B, 10 ft. SW
and opposite McComas Road
8898 Avenue B
15th Election District
7th Councilmanic District
Larry Short, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-367-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Larry Short for that property known as 8898 Avenue B in the eastern section of Baltimore County. The Petitioner herein seeks a variance from Section 440.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (inground pool) to be located in the front yard, in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 88th day of May, 1993 that the Petition for a Zoning Variance from Section 440.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (inground pool) to be located in the front yard, in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/8/93
By John P. Smith

LES/mm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 27, 1993

Mr. Larry Short
8898 Avenue B
Baltimore, Maryland 21219

RE: Petition for Administrative Variance
Case No. 93-367-A
8898 Avenue B

Dear Mr. Short:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8898 Avenue B
which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 440.1 to allow an accessory structure (inground pool) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

determination for the front or back of yard
situation of inground pool in front of yard
located in the front of yard

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(Use do hereby declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)
Larry Short
(Type or Print Name)
Larry Short
(Signature)
1345 Geise Ave
Ba 140 Md 21219
City State Zipcode

Signature
Larry Short
(Type or Print Name)
8898 Avenue B 470543
Address Phone No.
Baltimore Md 21219
City State Zipcode

Signature
Larry Short
(Type or Print Name)
8898 Avenue B 470543
Address Phone No.
Baltimore Md 21219
City State Zipcode

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8898 Avenue B 470543
Address Phone No.
Baltimore Md 21219
City State Zipcode

Signature
Larry Short
(Type or Print Name)
8898 Avenue B 470543
Address Phone No.
Baltimore Md 21219
City State Zipcode

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 8898 Avenue B

Baltimore Md 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

determination for the front and
back of yard

situation of the inground pool
located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

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located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

located in the front of yard

WS
ZONING DESCRIPTION FOR 8898 AVENUE B AT A DISTANCE OF
10 FT. AND OPPOSITE MCCOMAS RD. BEING LOT # 27 AS RECORDED
IN BALTIMORE COUNTY PLAT BOOK #7, FOLIO # 147 CONTAINING
.306 ACT. ALSO KNOWN AS 8898 AVENUE B LOCATED IN THE 15th.
ELECTION DISTRICT.

382
93-367-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 157A Date of Posting 5/5/93
Posted for: Variance
Petitioner: Larry Short
Location of: 8898 NW/5 Ave. B, 10' SW of McComas Rd.
Location of Sign: Facing rear driveway on property of Petitioner
Remarks: None
Posted by: M. Smith Date of return: 5/7/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: 8-001-4190

Number: 2728 1382

Date 4-23-93

Larry R. Short
8898 Avenue B.

* 010 - Variance 50.00
* 080 - Sign + posting 35.00
Total 85.00

03A03W00581CHRC
Please Make Checks Payable To: Baltimore County
885.00

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 20, 1993

Mr. Larry Short
8898 Avenue B
Baltimore, MD 21219

RE: Case No. 93-367-A, Item No. 382
Petitioner: Larry Short
Petition for Administrative Variance

Dear Mr. Short:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

4-29-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 382 (JJS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-2451 D.C. Metro - 1-800-492-3882 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 4, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 359, 360, 367, 368, 370, 381 and 382.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Bruns*

PK/JL:lw

360.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeifer
Fire Department

Date: May 3, 1993

FROM: Comments for 05/10/93 Meeting

Item 374	Townhouses for which the initial building permit is applied for after 07/01/92 shall be sprinklered.
Item 375	No Comments
Item 376	No Comments
Item 377	No Comments
Item 378	No Comments
Item 379	No Comments
Item 380	No Comments
Item 381	No Comments
Item 382	No Comments
Item 383	No Comments
Item 384	No Comments
Item 385	No Comments

RECEIVED
MAY 4 1993
ZADM

CPS-008

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 20, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #382
8898 Avenue B
Zoning Advisory Committee Meeting of May 3, 1993

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:sp

SHORT/TXTSBP

✓ during 5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: May 27, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 382
Short Property
Chesapeake Bay Critical Area Findings

RECEIVED
JUN 1 1993
ZADM

SITE LOCATION

The subject property is located at 8898 Avenue B. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Larry Short

APPLICANT PROPOSAL

The applicant has requested a variance from section 440.1 of the Baltimore County Zoning Regulations to permit "an accessory structure (in ground pool) to be located in the front yard".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" (COMAR 14.15.10.01.D).

Mr. Arnold E. Jablon
May 27, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Section 26-449(a)).

Finding: This pool is located more than 100 feet from the tidal waters of Old Road Bay. Therefore, this is in compliance with the above regulation.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" (Baltimore County Code, Section 26-447).

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3a. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" (Baltimore County Code, Section 26-543(e)(1)).

3b. Policy: "If permitted development on a property currently exceeds the 15% impervious surface limit, that percentage may be maintained during redevelopment of the property" (Baltimore County Department of Environmental Protection and Resource Management Policy Manual).

Finding: The pool on this site was existing at the time of program approval and can therefore remain. The garage is proposed to be located on top of an existing impervious gravel surface. Therefore, this proposal is in compliance with the above regulations and policies.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" (COMAR 14.15.02.04 C.(5)(e)).

Finding: This property has existing trees that meet the 15% afforestation requirement. However, homeowners are always encouraged to plant additional trees. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Mr. Arnold E. Jablon
May 27, 1993
Page 3

5. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Section 26-453(h)(2)).

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:msp:tm

cc: Mr. Larry Short

SHORT/MQCBGA

Baltimore County Government
Office of Zoning Administration
and Development Management



April 30, 1993

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Larry Short
8898 Avenue B
Baltimore, Maryland 21219

Re: CASE NUMBER: 93-367-A (Item 382)
8898 Avenue B - 8898 Avenue B, 10' SW & opposite McKenna Road
15th Election District - 7th Councilmanic
Petitioner(s): Larry Short

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 9, 1993. The closing date (May 24, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Jones
Arnold Jablon
Director

Pool already built
per photos. OK to
grant condition
to DEPRM review
JES

APPLICATION FOR BUILDING PERMIT

PERMIT #: B142826 CONTROL #: MK DIST: 15 PREC: 19

LOCATION: 8898 AVENUE B
SUBDIVISION: LILLIAN BROWN PL.
TAX ASSESSMENT #: 1510000621

OWNERS INFORMATION
NAME: SHORT, LARRY R
ADDR: 8898 AVENUE B 21219

APPLICANT INFORMATION
NAME: LARRY SHORT
COMPANY:
ADDR1: 8898 AVENUE B
ADDR2: BALTO, MD 21219
PHONE #: 477-1000 LICENSE #:

NOTES
RK/CB

TRACT: CONST 0 BLOCK: PLAT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
TENANT:
CONTR: OWNER
ENGR:
SELL:
WORK: CONSTRUCT DETACHED 1 CAR GARAGE ON FRONT OF PROPERTY. (WATERFRONT) 14'X20'X15'=280SF

PROPOSED USE: SFD & DETACHED GARAGE
EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 3,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: GARAGE
FOUNDATION: CONCRETE BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B142826

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP:	FLOOR: 280	LOT SIZE AND SETBACKS
POUNDER ROOMS:	WIDTH: 14	SIZE: 050/050X265/235
BATHROOMS:	DEPTH: 20	FRONT STREET:
KITCHENS:	HEIGHT: 15	SIDE STREET:
LOT NOS: 0022	STORIES: 1	FRONT SETB: 21
CORNER LOT: N		SIDE SETB: 33/3
		SIDE STR SETB:
		REAR SETB: 194

ZONING INFORMATION

DISTRICT:	BLOCK:	ASSESSMENTS
SECTION:		LAND: 0070650.00
DATE:	LIBER: 07	IMPROVEMENTS: 0141450.00
MAP:	FOLIO: 147	TOTAL ASS.:
	CLASS: 34	

PLANNING INFORMATION

MASTER PLAN AREA:	SUBSEWERSHED:	CRITICAL AREA:
DATE APPLIED: 09/11/92	INSPECTOR INITIALS: 1SR	
TEE: \$55.00	PAID: \$55.00	RECEIPT #: A166992
PAID BY: APPL		

IF I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS

COMPANY OR OWNER DATE

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8898 AVENUE B

Subdivision name: LARRY SHORT

plot books: 7, 1000 122, 2014, 3, sections: 8

OWNER: LARRY SHORT

date: 4/24/92 prepared by: Au Lane

Scale of Drawing: 1" = 50'

North

93-367-A

Bed No 1

AVENUE B

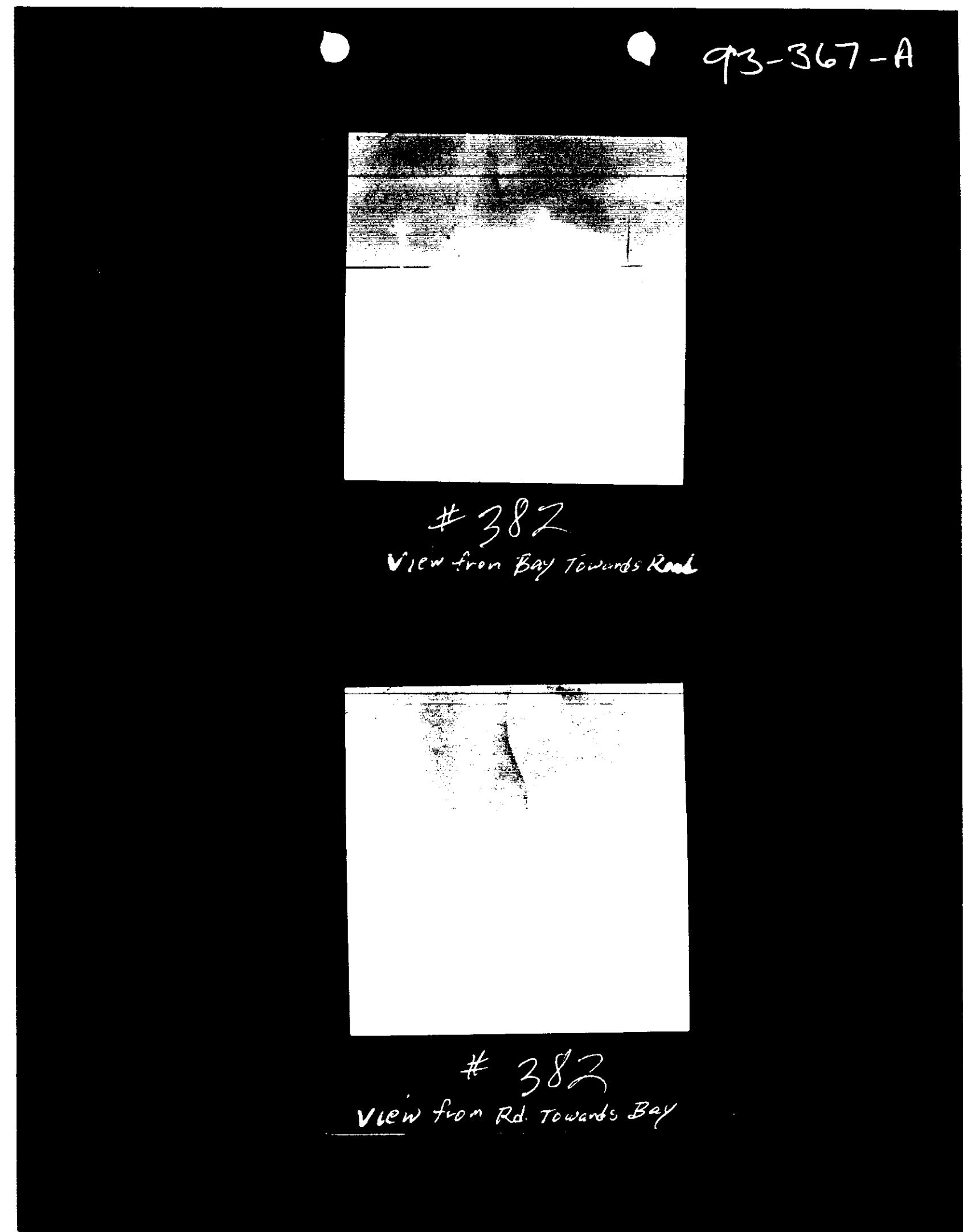
Proposed garage 12x20 15' H-5'

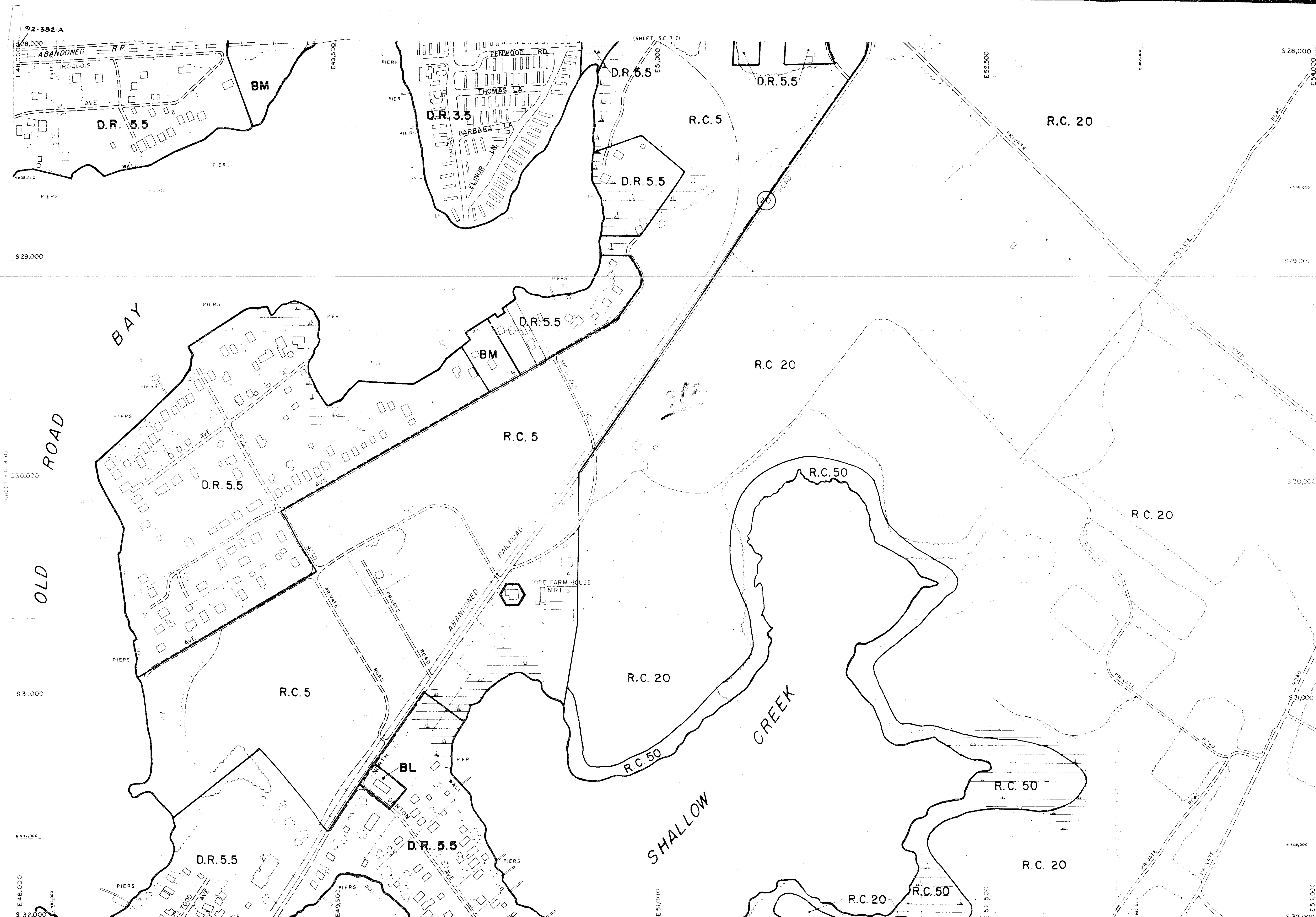
SEWER: ☒ WATER: ☒ Chesapeake Bay Critical Area: ☒ Prior Zoning Hearings: None

LOCATION INFORMATION

Councilman's District: 7th
Election District: 15th
T=200' scale map: SE 8-1'
Zoning: DR-55
Lot size: 306 13,350 square feet

Zoning Office USE ONLY:





A-NE
A-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William H. Howard
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
NORTH POINT
FORT HOWARD

SHEET
S E
8-I

93-367-A